

REMARKS

Initially, Applicant would like to thank Examiner Dager for granting an interview and for his time spent during the interview.

Claims 17-36 were previously pending in this application. Claims 18 and 19 are canceled; leaving claims 17 and 20-36 for consideration.

Claims 17 and 28 are amended as discussed during the interview. Support for the amendments can be found at least in claims 18 and 19 and on page 1, lines 4-6 (and the entirety of the specification).

Claims 28-32 were rejected under 35 USC 112, second paragraph, as allegedly failing to disclose the recited structure in the specification. That rejection is respectfully traversed.

Claim 28 is amended as suggested during the interview to recite that "a computer is configured to read the characteristics of obstacles from the database" and "the computer is configured to respond to the coordinates". As agreed, the recited "means for presenting a locus to the pilot" is maintained because at least a display device 16 is disclosed on page 9, lines 4-7 that presents (shows) a locus to the pilot.

Since the recited features are embodied in a computer (see Figure 1), as agreed at the interview, one of ordinary skill in the art would understand that the specification as filed

provides the necessary structure. Accordingly, withdrawal of the rejection is respectfully requested.

As agreed at the interview, amending claim 17 to include the subject matter of claim 18 and reciting a rotary wing aircraft in claims 17 and 28 is believed to obviate the rejection of claims 17, 19, 21-26 and 28-32 over DWYER U.S. Publication No. 2005/0182528 in view of LAPIS 6,744,382.

That is, as agreed at the interview, DWYER and LAPIS are limited to airplanes (see airplane 212 and paragraph [0022] of DWYER and column 2, line 65 of LAPIS). The technical aspects addressed by the present invention, with respect to a take-off or landing point of a rotary wing aircraft, do not relate to/are not interchangeable with the technical features of the airplanes of DWYER and LAPIS (see also page 3, lines 1-14 of the present application).

Claims 18 and 33 were rejected under 35 USC 103(a) as being unpatentable over DWYER in view of LAPIS and further in view of SILBERMAN 7,321,812. That rejection is respectfully traversed.

The only section under which the SILBERMAN et al. patent could be prior art is 35 USC §102(e). The §102(e) date to which SILBERMAN is entitled is its January 18, 2005 filing date.

Applicant claims priority to French Application No. FR-0410275 filed on September 28, 2004, which antedates SILBERMAN et al.'s earliest 102(e) date.

Applicant submits herewith an accurate English translation of French Application no. FR-0410275 to perfect the claim for priority and remove SILBERMAN et al. as a prior art reference.

Accordingly, the rejection of claim 18 and 33 can not be maintained.

Claims 20, 27, 34 and 36 were rejected under 35 USC 103(a) as being unpatentable over DWYER in view of LAPIS and further in view of ROGERS U.S. Publication No. 2005/0206533. That rejection is respectfully traversed.

ROGERS is only cited with respect to features of the dependent claims and does not overcome the shortcomings of the DWYER/LAPIS combination set forth above with respect to claim 17. Since claims 20, 27, 34 and 36 depend from claim 17 and further define the invention; these claims are believed to be patentable at least for depending from an allowable independent claim.

Entry of the above amendments is earnestly solicited. In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are earnestly requested.

Should there be any further matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

- verified translation of foreign priority document